

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

September 24, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

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No. 96-3030-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

KENNETH RINGER,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Racine County:
EMMANUEL VUVUNAS, Judge. *Affirmed.*

Before Snyder, P.J., Brown and Nettesheim, JJ.

PER CURIAM. Kenneth Ringer appeals from a judgment convicting him of possession of cocaine and possession of tetrahydrocannabinol. He appeals the trial court's refusal to suppress drug evidence seized during a stop of his vehicle based upon information provided by two anonymous informants. We affirm the judgment.

Whether the seizure of Ringer's vehicle and subsequent search complied with constitutional requirements presents a question of law which we review de novo. See *State v. Richardson*, 156 Wis.2d 128, 137-38, 456 N.W.2d 830, 833 (1990). However, the trial court's findings of fact will not be set aside unless clearly erroneous. See § 805.17(2), STATS.

Ringer moved to suppress the drug evidence because the officers stopped his car before he engaged in the conduct described by the anonymous informants as preceding his drug transactions at taverns on pool league nights. At the suppression hearing, Officer Andrew Antreassian of the City of Oak Creek Police Department testified that he received a telephone call from a concerned citizen advising that drug sales were occurring on pool league nights at two taverns, the Sportsman Bar and the Castle Bar. The informant told the officer that he observed the drug sales and identified four individuals who were involved in the sales. However, Ringer's name was not among those four.

Approximately one week later, another informant contacted the officer to advise of drug activity at the same two taverns and identified Kenneth Ringer as a person making drug sales. The second informant gave Ringer's address and described his vehicle. The informant stated that on pool league nights, Ringer usually leaves his apartment between 5:30 and 6:30 p.m., drives to Racine County with at least a quarter to one-half ounce of cocaine which he then distributes during the pool league. The second informant advised that Ringer would be shooting pool on February 8 at the Castle Bar.

Antreassian investigated and determined that a pool league would be held at the Castle Bar on February 8 and that this was the same pool league to which the two informants had referred. The officer drove to the apartment

complex identified as Ringer's address and observed the vehicle described as Ringer's parked in front of the address supplied by the second informant. The vehicle was registered to Ringer. Antreassian and other officers observed Ringer depart from his residence at 5:45 p.m. on February 8 and stop at two taverns in Waukesha County. Ringer then proceeded to Racine County where he was stopped by members of the Racine County Drug Unit. Antreassian inventoried Ringer's vehicle and located marijuana in the trunk. Bindles of cocaine were also discovered during the inventory and when Ringer was handcuffed after being removed from the vehicle.

An investigator with the Racine County Sheriff's Department Metro Drug Unit testified that when Antreassian provided him with information from the anonymous informant about Ringer's drug dealing during tavern pool league, he checked the Metro Drug files and found two references to Kenneth Ringer having been involved with drugs.

In denying Ringer's motion to suppress, the trial court found that the police acted upon an anonymous tip which they were able to corroborate independently.

On appeal, Ringer argues that the trial court should have suppressed the drug evidence because the police lacked sufficient reliable information to justify the stop and search of Ringer's vehicle.

The degree of corroboration of an anonymous tip necessary to give rise to a reasonable suspicion to stop is set forth in *Richardson*. The court concluded

[T]he corroboration by police of innocent details of an anonymous tip may under the totality of the circumstances

give rise to reasonable suspicion to make a stop. The corroborated actions of the suspect, as viewed by police acting on an anonymous tip, need not be inherently suspicious or criminal in and of themselves. Rather, the cumulative detail, along with reasonable inferences and deductions which a reasonable officer could glean therefrom, is sufficient to supply the reasonable suspicion that crime is afoot and to justify the stop.

Richardson, 156 Wis.2d at 142, 456 N.W.2d at 835. The *Richardson* court noted that “the greater the amount, specificity and uniqueness of the detail contained in an anonymous tip, the more likely it is that the informant has an adequate basis of knowledge.” *Id.* The *Richardson* court required police verification of significant aspects of the tipster’s predictions of the suspect’s future actions “to avoid investigative stops based on minimal facts that any passerby or resident on the street could enunciate.” *Id.* at 142, 456 N.W.2d at 836. The *Richardson* court further noted that “when significant aspects of an anonymous tip are independently corroborated by the police, the inference arises that the anonymous informant is telling the truth about the allegations of criminal activity. Under this principle, police who have corroborated significant aspects of a tip are allowed the reasonable inference under the circumstances that if an informant is correct as to these significant aspects, he or she is more probably than not correct as to the ultimate fact of criminal activity.” *Id.* at 142-43, 456 N.W.2d at 836.

We conclude that the law enforcement’s corroboration of the innocent details of Ringer’s predicted behavior on February 8 under the totality of the circumstances gave rise to a reasonable suspicion justifying the stop of his vehicle once it entered Racine County. The police verified Ringer’s address, vehicle, likely departure time and that the pool league was meeting on February 8 in Racine County. Although Ringer did not proceed directly from his home to the Castle Bar on February 8, we conclude that the tipster’s information regarding

Ringer’s general pattern of activity on pool league nights, while not in and of itself evidence of criminal conduct, permitted a reasonable inference under the totality of the circumstances that Ringer was destined for a Racine County tavern to deal drugs. Even though the tipster did not suggest that Ringer might make stops before reaching the pool league tavern, the information provided by the tipster provided a sufficient basis for stopping Ringer’s vehicle. “All of the innocent, non-inculpatory facts given by the informant proved to be true as verified personally through police observation and included verification of future actions of the defendant.” *Id.* at 143, 456 N.W.2d at 836.

Ringer argues that the police stopped him in Racine County even though they could not confirm that he was heading toward the Castle Bar and had not observed any suspicious behavior. We disagree. The police confirmed the details of two anonymous tips, and Ringer’s behavior on February 8 largely conformed to the information provided by the tipsters. We disagree that the facts relayed by the second tipster are facts that any passerby or resident of the street would know.

In summary, we conclude that the stop of Ringer’s vehicle in Racine County was constitutionally sound under the standards set forth in *Richardson*.¹

By the Court.—Judgment affirmed.

¹ Having held that the stop of Ringer’s vehicle was lawful, we need not address his argument that the unlawful stop deprived police of their justification for the search.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

